

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jean Paul Lozada	Team: Squad #2	CCRB Case #: 201506417	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 07/31/2015 7:23 PM	Location of Incident: § 87(2)(b); an unidentified location; Bronx Central Booking; § 87(2)(b)	Precinct: 48	18 Mo. SOL 1/31/2017	EO SOL 1/31/2017	
Date/Time CV Reported Sun, 08/02/2015 4:31 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sun, 08/02/2015 4:31 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Guy Gargano	3545	943281	NARCB BX
2. DT3 Mack Lipinski	00926	932175	NARCB BX

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Mack Lipinski	Discourtesy: At § 87(2)(b) in the Bronx, Det. Mack Lipinski spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B.DT3 Mack Lipinski	Abuse: At § 87(2)(b) in the Bronx, Det. Mack Lipinski stopped § 87(2)(b)	§ 87(2)(b)
C.DT3 Mack Lipinski	Abuse: At § 87(2)(b) in the Bronx, Det. Mack Lipinski frisked § 87(2)(b)	§ 87(2)(b)
D.DT3 Mack Lipinski	Abuse: At § 87(2)(b) in the Bronx, Det. Mack Lipinski searched § 87(2)(b)	§ 87(2)(b)
E.DT3 Mack Lipinski	Abuse: At § 87(2)(b) in the Bronx, Det. Mack Lipinski searched § 87(2)(b) s cell phone.	§ 87(2)(b)
F.DT3 Guy Gargano	Force: At § 87(2)(b) in the Bronx, Det. Guy Gargano used physical force against § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
G.DT3 Mack Lipinski	Force: At § 87(2)(b) in the Bronx, Det. Mack Lipinski used physical force against § 87(2)(b)	
H.DT3 Guy Gargano	Force: At § 87(2)(b) in the Bronx, Det. Guy Gargano used a chokehold against § 87(2)(b)	
I.DT3 Guy Gargano	Force: At § 87(2)(b) in the Bronx, Det. Guy Gargano restricted § 87(2)(b)'s breathing.	
J.DT3 Guy Gargano	Abuse: At § 87(2)(b) in the Bronx, Det. Guy Gargano frisked § 87(2)(b)	
K.DT3 Guy Gargano	Discourtesy: At § 87(2)(b) in the Bronx, Det. Guy Gargano spoke discourteously to § 87(2)(b)	
L.DT3 Guy Gargano	Discourtesy: At § 87(2)(b) in the Bronx, Det. Guy Gargano spoke discourteously to § 87(2)(b)	
M.DT3 Guy Gargano	Abuse: At § 87(2)(b) in the Bronx, Det. Guy Gargano threatened § 87(2)(b) with the use of force.	
N.DT3 Guy Gargano	Discourtesy: At § 87(2)(b) the Bronx, Det. Guy Gargano spoke discourteously to § 87(2)(b)	
O.DT3 Guy Gargano	Abuse: At § 87(2)(b) in the Bronx, Det. Guy Gargano searched § 87(2)(b)	
P.DT3 Guy Gargano	Abuse: At § 87(2)(b) in the Bronx, Det. Guy Gargano threatened to arrest § 87(2)(b) and § 87(2)(b)	
Q.DT3 Guy Gargano	Off. Language: At § 87(2)(b) in the Bronx, Det. Guy Gargano made remarks to § 87(2)(b) based upon race.	
R.DT3 Mack Lipinski	Discourtesy: At § 87(2)(b) in the Bronx, Det. Mack Lipinski spoke discourteously to § 87(2)(b)	
S.DT3 Guy Gargano	Abuse: At § 87(2)(b) in the Bronx, Det. Guy Gargano searched the vehicle in which § 87(2)(b) was an occupant.	
T.DT3 Guy Gargano	Force: At an unidentified location in the Bronx, Det. Guy Gargano used physical force against § 87(2)(b)	
U.DT3 Guy Gargano	Discourtesy: At an unidentified location in the Bronx, Det. Guy Gargano spoke discourteously to § 87(2)(b)	
V.DT3 Guy Gargano	Force: At an unidentified location in the Bronx, Det. Guy Gargano tightly handcuffed § 87(2)(b)	
W.DT3 Mack Lipinski	Force: At an unidentified location in the Bronx, Det. Mack Lipinski used physical force against § 87(2)(b)	
X.DT3 Mack Lipinski	Discourtesy: At Bronx Central Booking, Det. Mack Lipinski spoke discourteously to § 87(2)(b)	
Y.DT3 Guy Gargano	Abuse: At § 87(2)(b) in the Bronx, Det. Guy Gargano did not obtain medical treatment for § 87(2)(b)	
Z.DT3 Mack Lipinski	Abuse: At § 87(2)(b) in the Bronx, Det. Mack Lipinski did not obtain medical treatment for § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b), § 87(2)(g)		

Case Summary

On August 2, 2015, § 87(2)(b) filed this complaint with the CCRB on behalf of himself, his friend § 87(2)(b) and § 87(2)(b) significant other § 87(2)(b) via the call processing system. On August 3, 2015, § 87(2)(b) filed a duplicate complaint with the Internal Affairs Bureau, generating IAB log number 15-22531.

On July 31, 2015, at approximately 7:23 p.m., § 87(2)(b) and his friend, § 87(2)(b) were standing on the corner of § 87(2)(b) in the Bronx and were waiting for § 87(2)(b) family to exit § 87(2)(b). Det. Guy Gargano and Det. Mack Lipinski approached the corner in a prisoner van and Det. Gargano observed a glassine of heroin in § 87(2)(b)'s hand. Det. Lipinski allegedly said, "Don't fucking move," (**Allegation A**) and then placed § 87(2)(b) against a wall (**Allegation B**), where he frisked and searched § 87(2)(b) pockets (**Allegations C and D**) and allegedly removed § 87(2)(b)'s cell phone from his hand and searched through it (**Allegation E**). Meanwhile, Det. Gargano placed § 87(2)(b) against a wall and began to effect his arrest. § 87(2)(b) resisted arrest by curling forward and refusing to give Det. Gargano his hands. A physical struggle ensued between § 87(2)(b) and Det. Gargano, during which Det. Gargano allegedly attempted to bring § 87(2)(b) to the ground by twisting his arm and tripping him (**Allegation F**). Det. Lipinski came to assist Det. Gargano and allegedly pulled § 87(2)(b)'s right hand behind his back and twisted it (**Allegation G**), causing § 87(2)(b) to release his cell phone. Det. Gargano allegedly wrapped his arm around § 87(2)(b)'s neck from behind (**Allegation H**), restricting his breathing for one-tenth to one-half a second (**Allegation I**). § 87(2)(b) and the officers then fell to the ground, where they allegedly punched and kicked him, placed their knees in his back, applied pressure to his head against the ground, pulled on his arm, and twisted his hand (**Allegations F and G cont'd**). The officers allegedly continued to punch and kick § 87(2)(b) after he was handcuffed (**Allegations F and G cont'd**). After § 87(2)(b) was handcuffed, Det. Gargano frisked § 87(2)(b) on two separate occasions (**Allegation J**). A crowd began to gather at the scene and both officers allegedly made numerous discourteous statements towards § 87(2)(b) and § 87(2)(b) (**Allegations A cont'd, K, L, N, and R**) and allegedly threatened to shoot § 87(2)(b) (**Allegation M**). Det. Gargano allegedly asked § 87(2)(b) for his identification and searched through his wallet (**Allegation O**). Det. Gargano also allegedly threatened to arrest § 87(2)(b) and § 87(2)(b) (**Allegation P**) if they did not quiet down and allegedly referred to § 87(2)(b) as a "spic." (**Allegation Q**). Det. Gargano allegedly reached his head through the driver side window of § 87(2)(b) vehicle and removed numerous documents from the glove compartment (**Allegation S**). The officers allegedly grabbed § 87(2)(b) from his hands and dragged him against the ground ten to fifteen feet towards the van and then allegedly lifted him off of the ground and threw him into the van (**Allegations F and G cont'd**). The officers drove the van to an unidentified location in order search him and complete his pedigree information away from the crowd that had gathered. Det. Gargano allegedly pulled § 87(2)(b) out of the van by his arms (**Allegation T**) and told him that he was lucky that they did not kill him or beat him up worse (**Allegation U**). Det. Gargano allegedly squeezed § 87(2)(b)'s handcuffs tighter after § 87(2)(b) asked for them to be loosened (**Allegation V**). While tightening the handcuffs, Det. Gargano allegedly said, "Don't be a bitch, now." (**Allegation U cont'd**). Det. Gargano and Det. Lipinski then allegedly lifted § 87(2)(b) off of the ground and threw him into the van again (**Allegations T cont'd and W**). § 87(2)(b) was transported to Bronx Central Booking, where Det. Lipinski allegedly said, "You're fucking going to the hospital because I want overtime." (**Allegation X**). The officers brought § 87(2)(b) to § 87(2)(b) and allegedly removed him from the hospital before he had the opportunity to receive medical treatment (**Allegations Y and Z**).

This case is being closed after the 90 day benchmark of October 31, 2015. § 87(2)(b) and § 87(2)(b) were not interviewed until August 27, 2015, 25 days after the complaint was filed. Det. Gargano was not interviewed until October 23, 2015 because the investigator attempted to secure footage from witness § 87(2)(b) prior to this interview, but this footage was never received. In addition, Det. Lipinski's interview was rescheduled from October 30, 2015 to November 5, 2015 at his request.

Mediation, Civil and Criminal Histories

- This case is ineligible for mediation due to § 87(2)(b)'s arrest and injuries and § 87(2)(b) stated intention to file a lawsuit.
- As of November 17, 2015, neither § 87(2)(b) nor § 87(2)(b) has filed a notice of claim in regards to this incident (Board Review 01).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint in which § 87(2)(b) is named as a participant (Board Review 04).
- This is the third CCRB complaint in which § 87(2)(b) is named as a participant (Board Review 05).
 - § 87(2)(b)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- This is the first CCRB complaint in which § 87(2)(b) is named as a participant (Board Review 06).
- Det. Guy Gargano has been a member of the NYPD for 8 years and has 13 prior CCRB allegations involving 6 cases with no substantiated allegations.
 - In case number 200818427, Det. Gargano was the subject of a Force – Physical Force allegation. This allegation was closed as unsubstantiated.
 - In case number 200913931, Det. Gargano was the subject of Force – Physical Force and Abuse – Frisk allegations. These allegations were closed as victim unavailable.
 - In case number 201506049, Det. Gargano was the subject of Force – Handcuffs Too Tight, Abuse – Threat of Force, Discourtesy – Word, and Offensive Language – Race allegations. This case was investigated by Squad 14 and is currently awaiting board review.
- Det. Mack Lipinski has been a member of the NYPD for 12 years and has 36 prior CCRB allegations involving 12 cases with one substantiated allegation.
 - In case number 200908459, Det. Lipinski was the subject of a Force – Gun Pointed allegation. This allegation was closed as substantiated with a recommendation of instructions, and the NYPD took no disciplinary action.
 - In case number 200404980, Det. Lipinski was the subject of an Abuse – Search (of person) allegation. This allegation was closed as complainant uncooperative.

- In case number 200704423, Det. Lipinski was the subject of an Abuse – Search (of person) allegation. This allegation was closed as unsubstantiated.
- In case number 200705718, Det. Lipinski was the subject of an Abuse – Search (of person) allegation. This allegation was closed as unsubstantiated.
- In case number 200708044, Det. Lipinski was the subject of Force – Physical Force and Discourtesy – Word allegations. These allegations were closed as unsubstantiated.
- In case number 200713025, Det. Lipinski was the subject of Abuse – Stop, Abuse – Frisk, and Abuse – Search (of person) allegations. These allegations were closed as unsubstantiated.
- In case number 200808895, Det. Lipinski was the subject of Abuse – Stop (exonerated), Abuse – Frisk (exonerated), Abuse – Search (of person) (unsubstantiated), and Discourtesy – Word (unsubstantiated) allegations.
- In case number 200908459, Det. Lipinski was the subject of Abuse – Frisk (unfounded) and Discourtesy – Word (unsubstantiated) allegations.
- In case number 201017310, Det. Lipinski was the subject of a Force – Physical Force allegation. This allegation was closed as unsubstantiated.
- In case number 201106644, Det. Lipinski was the subject of Abuse – Stop, Abuse – Frisk, Abuse – Search (of person), and Discourtesy – Word allegations. These allegations were closed as unsubstantiated.

Potential Issues

- § 87(2)(b) stated that Det. Gargano threatened to arrest her and that she had a video of the incident in her possession. The investigator scheduled two interviews with § 87(2)(b) both of which she missed without providing advanced notice, and to date § 87(2)(b) has not sent the investigator a copy of the video. This case is therefore being closed without a sworn statement from § 87(2)(b) and without her video.
- Det. Lipinski stated that after § 87(2)(b) was placed in the prisoner van, Det. Gargano drove the van to Southern Boulevard in order to complete his pedigree and search him, but he was unable to provide a specific intersection where Det. Gargano stopped the van. Det. Gargano and § 87(2)(b) were unable to state where the van was moved to. As such, the second incident location remains unidentified.
- The investigator was unable to establish contact with § 87(2)(b) significant other, § 87(2)(b) his father, § 87(2)(b) an unidentified witness from § 87(2)(b), and arrestees § 87(2)(b) and § 87(2)(b) who were in the prisoner van with § 87(2)(b). As such, this case is being closed without statements from these victims/witnesses.

Findings and Recommendations

Explanation of Subject Officer Identification

- § 87(2)(b) and § 87(2)(b) both stated that the subject officers were driving a prisoner van and that one of the officers remained with § 87(2)(b) while he was on the ground while the other addressed § 87(2)(b) and the crowd that was gathering. The surveillance footage from § 87(2)(b) (Board Review 07) confirms this version of the events, and the tactical plan from Narcotics Boro Bronx (Board Review 08) identifies the officers assigned to the prisoner van as Det. Guy Gargano and Det. Mack Lipinski. Det. Gargano identified himself as the officer that spoke to § 87(2)(b) and Det. Lipinski identified himself as the officer that remained with § 87(2)(b).

Allegations Not Pleaded

- Det. Gargano stated that while approaching § 87(2)(b) he observed a glassine of heroin in his hand and placed him under arrest. This heroin was vouchered as arrest evidence (Board Review 09). § 87(2)(g)
- § 87(2)(b) stated that Det. Gargano threatened to arrest her and that Det. Lipinski pushed § 87(2)(b)'s head into the concrete when he attempted to lift his head. § 87(2)(b) missed her two scheduled interviews and no one alleged in a sworn statement that Det. Gargano threatened to arrest her or that Det. Lipinski pushed § 87(2)(b)'s head onto the ground. At 19:33:42, the surveillance video shows § 87(2)(b) lifting his head up and down, but it is unclear whether Det. Lipinski uses any force against § 87(2)(b) at this moment. § 87(2)(g)
- § 87(2)(b) neighbor, § 87(2)(b) alleged that Det. Lipinski threatened to arrest her if she did not quiet down. § 87(2)(b) scheduled a sworn statement at the CCRB, but later called the investigator to cancel her interview because she no longer wished to participate in this complaint. § 87(2)(g)
- § 87(2)(b) mother, § 87(2)(b) stated that Det. Gargano threatened to break down her door and that Det. Lipinski removed § 87(2)(b)'s wallet from his person and threw it down onto the ground. No other civilians made these allegations in any sworn statement. No wallet can be seen being thrown to the ground in the footage from § 87(2)(b) § 87(2)(g)
- § 87(2)(b) stated that he could not retrieve his cell phone because it was vouchered under the name § 87(2)(b) (Board Review 09) All of the documentation prepared in regards to § 87(2)(b)'s arrest lists his first name as § 87(2)(b) [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] § 87(2)(g)

Allegation A - Discourtesy: At § 87(2)(b) in the Bronx, Det. Mack Lipinski spoke discourteously to § 87(2)(b)

Allegation E – Abuse of Authority: At § 87(2)(b) in the Bronx, Det. Mack Lipinski searched § 87(2)(b)'s cell phone.

Allegation K - Discourtesy: At § 87(2)(b) in the Bronx, Det. Guy Gargano spoke discourteously to § 87(2)(b)

Allegation L - Discourtesy: At § 87(2)(b) in the Bronx, Det. Guy Gargano spoke discourteously to § 87(2)(b)

Allegation M - Abuse of Authority: At § 87(2)(b) in the Bronx, Det. Guy Gargano threatened § 87(2)(b) with the use of force.

Allegation N - Discourtesy: At § 87(2)(b) in the Bronx, Det. Guy Gargano spoke discourteously to § 87(2)(b)

Allegation O - Abuse of Authority: At § 87(2)(b) in the Bronx, Det. Guy Gargano searched § 87(2)(b)

Allegation P - Abuse of Authority: At § 87(2)(b) in the Bronx, Det. Guy Gargano threatened to arrest § 87(2)(b) and § 87(2)(b)

Allegation Q – Offensive Language: At § 87(2)(b) in the Bronx, Det. Guy Gargano made remarks to § 87(2)(b) based upon race.

Allegation R - Discourtesy: At § 87(2)(b) in the Bronx, Det. Mack Lipinski spoke discourteously to § 87(2)(b)

Allegation U – At an unidentified location in the Bronx, Det. Guy Gargano spoke discourteously to § 87(2)(b)

Allegation X – At Bronx Central Booking, Det. Mack Lipinski spoke discourteously to § 87(2)(b)

§ 87(2)(b) alleged that after exiting the van, Det. Lipinski said, "Don't fucking move," and then reached for § 87(2)(b) phone. § 87(2)(b) believed Det. Lipinski went through § 87(2)(b) phone. § 87(2)(b) also alleged that both officers told § 87(2)(b) to "get the fuck out of here." § 87(2)(b) made no mention of any additional discourteous phrases, but stated that he believed the officers used additional profanities. He noted that he could not hear the conversation between the officers and § 87(2)(b). After the officers moved the van, Det. Gargano allegedly told § 87(2)(b) that he was lucky that they did not kill him or beat him up worse because there were witnesses at the scene. Det. Gargano allegedly said, "Don't be a bitch now," while squeezing § 87(2)(b)'s handcuffs tighter. At Bronx Central Booking, Det. Lipinski allegedly told § 87(2)(b) "You're fucking going to the hospital because I want overtime."

§ 87(2)(b) alleged Det. Lipinski removed § 87(2)(b)'s cell phone from his hand and searched through it. § 87(2)(b) stated that after § 87(2)(b) was handcuffed, Det. Gargano said, "If that fat bitch wasn't screaming, I would have put a bullet in your fucking head (referring to § 87(2)(b))." "You better tell your bitch § 87(2)(b) to shut up before I arrest both y'all motherfuckers," "You better control your fucking wife § 87(2)(b) before I tell her what the fuck you're doing," and, "You drive a fucking Mercedes-Benz? You think I don't know?" § 87(2)(b) alleged that Det. Lipinski told § 87(2)(b) to, "Shut the fuck up, bitch. § 87(2)(b) also alleged that Det. Gargano said that the situation was § 87(2)(b) fucking fault," that § 87(2)(b) was "screwed by a fucking hair," and said, "I don't give a fuck if I have to put [inaudible] on you, motherfucker, I'm gonna get you." After § 87(2)(b) was handcuffed, Det. Gargano allegedly asked § 87(2)(b) for his identification and searched through his wallet. § 87(2)(b) also alleged that Det. Gargano referred to him as a "spic."

§ 87(2)(b) did not recall any exact statements that the officers made. She did not hear the officers use any profanities or make any derogatory statements about anybody's race. § 87(2)(b) did not hear any officers threaten to shoot anyone or make any similar threats. She heard an officer tell § 87(2)(b) that they were going to arrest him and search his house, but she did not recall which officer made this statement. § 87(2)(b) did not hear the officers threaten to arrest any of her other relatives. She stated that Det. Lipinski took § 87(2)(b)'s phone from § 87(2)(b) and looked through it. She did not recall at what exact moment Det. Lipinski took § 87(2)(b)'s phone, but knew Det. Lipinski took it because she saw it in his hand.

§ 87(2)(b) stated that Det. Gargano was "reckless with his mouth" and made statements such as, "I don't give a fuck." § 87(2)(b) did not recall whether she heard any other profanities, but noted that it was "so heated" and that "everybody was using foul language." § 87(2)(b)

stated at there was a commotion about a cell phone, but she did not observe any officer with anyone's cell phone. § 87(2)(b) did not recall any officer using any profanities and did not recall any exact statements that any of the officers made. She did not recall any officer speaking to § 87(2)(b) § 87(2)(b) did not observe any officer holding § 87(2)(b) phone. § 87(2)(b) did not hear Det. Gargano use any profanities and noted that she was too far away to hear his conversation with § 87(2)(b) § 87(2)(b) did not see any officer use § 87(2)(b) phone, but believed this happened before she came downstairs. § 87(2)(b) stated that the officers took § 87(2)(b) phone and searched through it.

In the surveillance footage from § 87(2)(b), the view of Det. Lipinski and § 87(2)(b) is obscured and Det. Lipinski cannot be seen grabbing any phone from § 87(2)(b) or using a phone. At no point in the surveillance footage from § 87(2)(b) can Det. Gargano be seen searching through § 87(2)(b) wallet. However, part of Det. Gargano's interaction with § 87(2)(b) is obscured because Det. Gargano stood in front of § 87(2)(b) with his back turned towards the camera.



201506417_20151208_0938_DM.mp4

Det. Gargano stated that neither he nor Det. Lipinski used profanities at any point during this incident or made reference to anyone's race or ethnicity in a derogatory manner. Det. Gargano did not recall whether he or Det. Lipinski grabbed § 87(2)(b) wallet, searched through his wallet, or removed his identification from his wallet. Det. Gargano stated that he did not threaten anyone in the crowd with the use of force. Det. Gargano and Det. Lipinski told some of these individuals to step back. Det. Gargano did not tell anyone in the crowd that they would be arrested if they did not comply. Det. Gargano did not know whether Det. Lipinski threatened to arrest anyone in the crowd. Det. Gargano noted that some people in the crowd could have been arrested for disorderly conduct because they were yelling and approaching him and Det. Lipinski. Det. Gargano did not recall who specifically could have been arrested for disorderly conduct.

Det. Lipinski did not recall using profanities at any point during this incident or hearing Det. Gargano do so. Det. Lipinski did not turn on or use § 87(2)(b) cell phone at any point. Det. Lipinski did not recall removing § 87(2)(b) cell phone from his hand, but recalled that § 87(2)(b) had multiple cell phones on his person. Det. Lipinski did not call anyone a "spic" or a "bitch" at any point or hear Det. Gargano do so. Det. Lipinski did not make any offensive statements regarding anyone's race or sex and did not recall hearing Det. Gargano do so. Det. Lipinski did not threaten to put a bullet in anyone's head or hear Det. Gargano do so. Det. Lipinski did not recall whether he threatened to arrest anyone at the scene or whether Det. Gargano did so. Det. Lipinski did not recall whether anyone could have been legally arrested aside from § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

Allegation B - Abuse of Authority: At § 87(2)(b) in the Bronx,

Det. Mack Lipinski stopped § 87(2)(b)

Allegation C - Abuse of Authority: At § 87(2)(b) in the Bronx,

Det. Mack Lipinski frisked § 87(2)(b)

Allegation D - Abuse of Authority: At § 87(2)(b) in the Bronx,

Det. Mack Lipinski searched § 87(2)(b)

Allegation J - Abuse of Authority: At § 87(2)(b) in the Bronx,

Det. Guy Gargano frisked § 87(2)(b)

§ 87(2)(b) alleged that while he was standing on the corner of § 87(2)(b) and talking on § 87(2)(b)'s phone, Det. Lipinski told him to get against a wall without saying anything beforehand and removed the phone from his hand. He stated that Det. Lipinski frisked him against a wall by patting the exterior of his pockets and squeezing his pockets. § 87(2)(b) was carrying keys in front left pocket, money in right pocket, and his wallet in back pocket. § 87(2)(b) made no mention of being frisked by Det. Gargano.

§ 87(2)(b) stated that Det. Lipinski said, "Don't fucking move," reached for § 87(2)(b) phone, and grabbed it out of his hand. § 87(2)(b) believed Det. Lipinski went through § 87(2)(b) phone. § 87(2)(b) believed Det. Lipinski made physical contact with § 87(2)(b) but he did not know this for certain.

§ 87(2)(b) stated that Det. Lipinski told § 87(2)(b) to exit his car and he complied. Det. Lipinski then put § 87(2)(b) against a wall and "checked" him. § 87(2)(b) did not recall whether Det. Lipinski frisked § 87(2)(b). Aside from § 87(2)(b) none of the remaining witnesses were present during the initial stop of § 87(2)(b) and arrived at the scene after § 87(2)(b) was handcuffed.

At 19:22:32, the surveillance footage from § 87(2)(b) (201506417_20151208_0938_DM.mp4 – Board Review 07) shows Det. Gargano peering at § 87(2)(b) car while driving past it and then pulling in front of the car and out of the frame. At 19:26:56, the van reappears and drives slowly up the block while § 87(2)(b) is standing on the corner of § 87(2)(b) and § 87(2)(b) is exiting the car and walking towards § 87(2)(b) and § 87(2)(b) do not pass anything to one another or make contact with each other. The van stops at the corner and Det. Gargano immediately places § 87(2)(b) against a wall. At 19:27:29, the surveillance footage shows Det. Lipinski move § 87(2)(b) towards a wall. The view of Det. Lipinski and § 87(2)(b) is obscured and Det. Lipinski cannot be seen frisking or searching him. At 19:28:01 and 19:29:21, the surveillance footage shows Det. Gargano with § 87(2)(b) against the wall and frisking § 87(2)(b).

Det. Lipinski stated that Det. Gargano observed a vehicle or location that he was investigating and said he was going to drive around and get a closer look. Det. Lipinski noted that this was a "hot block" and believed that the officers had a complaint or an ongoing investigation at that location for either a vehicle or a location. Det. Lipinski initially stated did not know what this possible complaint was for or from where they received it, but later stated that Det. Gargano may have had a "kite" complaint for "§ 87(2)(e)". Det. Gargano drove around the block, pulled up to the corner, and said he saw someone with heroin in his hand and that he thought he "just saw a deal go down." Det. Lipinski did not observe any drug deal or hand-to-hand transaction take place. Det. Gargano was still in the van when he first observed the heroin. Det. Lipinski later stated that he did not know where this heroin was when Det. Gargano observed

it because he was on the phone. Det. Lipinski did not observe this heroin at any point. Det. Gargano and Det. Lipinski “crept up” behind § 87(2)(b) and § 87(2)(b) and exited the prisoner van in front of § 87(2)(b), where there was a Mercedes-Benz parked in front of the building’s entrance. Det. Lipinski did not know whether the Mercedes-Benz was associated with the possible kite complaint. Det. Gargano went to stop § 87(2)(b) and directed Det. Lipinski to stop § 87(2)(b) who was walking away from the scene. § 87(2)(b) was stopped because Det. Gargano stated that § 87(2)(b) was the [drug] dealer and had just “hit § 87(2)(b) off.” Det. Lipinski believed Det. Gargano observed the heroin right before they exited the van. Det. Lipinski’s intention in stopping § 87(2)(b) was to arrest him if he was the drug dealer, but Det. Lipinski noted that Det. Gargano was not sure that this was the case and wanted to figure out what was going on. Det. Lipinski did not personally observe anything before the stop was initiated. Det. Lipinski identified himself as a police officer and directed § 87(2)(b) to stop. Det. Lipinski did not recall whether he or Det. Gargano placed § 87(2)(b) against a wall at any point. Det. Lipinski observed a bulge in § 87(2)(b) front pants pocket. When asked if he could describe how the bulge was shaped, Det. Lipinski stated that it was “just a bulge.” Det. Lipinski asked § 87(2)(b) if he had anything that could hurt him and § 87(2)(b) said, “Not that I know of.” This raised Det. Lipinski’s level of suspicion because “usually a sane person knows what they have on him.” § 87(2)(b) statement that that he did not know what he had in his pockets caused Det. Lipinski to believe that the bulge was formed by a gun. When asked if there was anything about the appearance of the bulge that indicated that it was a gun, Det. Lipinski stated “Yes and no... It’s not like the movies where you always see an outline of a gun... I’ve gotten numerous guns off the streets and it never looks like a gun. It never does.” Det. Lipinski asked § 87(2)(b) what was in his pocket and § 87(2)(b) said he did not know. Det. Lipinski asked § 87(2)(b) if he minded if he entered his pockets to make sure the bulge was not a gun, a knife, or something that would hurt him and § 87(2)(b) replied, “Yeah, whatever. You got to do what you got to do.” Det. Lipinski frisked § 87(2)(b) pocket, removed the items from his pocket, and discovered that this bulge was produced by two cell phones, a wallet, business/credit cards, and/or a Chap Stick, but did not recall exactly what produced the bulge. Det. Lipinski noted that the bulge was produced by a hard object and that the items were packed tightly in his pants pocket.

Det. Gargano stated that he observed a bag or glassine of heroin in § 87(2)(b) s hand after he exited the RMP when he was standing one or two feet away from § 87(2)(b). He stated that he did not observe any drug transaction. Det. Gargano did not recall Det. Lipinski approaching anyone aside from § 87(2)(b) for police purposes. Det. Gargano did not recall whether he observed any bulges on § 87(2)(b) person or whether he had any indication that he was armed. Det. Gargano did not recall whether § 87(2)(b) was placed against a wall, frisked, or searched. Det. Gargano did not recall whether he or Det. Lipinski frisked § 87(2)(b). Det. Gargano did not recall himself or Det. Lipinski frisking or searching anyone aside from § 87(2)(b). After watching the video, Det. Gargano stated that he did not recall Det. Lipinski placing § 87(2)(b) against a wall or what Det. Lipinski was doing with § 87(2)(b). Det. Gargano did not recall Det. Lipinski frisking § 87(2)(b). This video did not refresh Det. Gargano’s recollection of what happened with § 87(2)(b). When asked whether there was any reason that he saw to stop § 87(2)(b) Det. Gargano stated that he did not recall what was observed when Det. Lipinski made his approach. At 19:29:21, the surveillance footage shows Det. Gargano with § 87(2)(b) against the wall and frisking § 87(2)(b). This video refreshed Det. Gargano’s independent recollection of frisking § 87(2)(b). Det. Gargano did not recall the reason for this frisk. Aside from the video, Det. Gargano had no independent recollection of this moment.

An officer may stop and detain an individual if he or she has reasonable suspicion that the individual has committed, is committing, or is about to commit a crime (People v. DeBour, 40 N.Y.2d 210). DeBour also states that in order to frisk an individual, an officer must have reasonable suspicion to believe that the individual is armed. A request for consent to search an individual is a common law inquiry that requires a founded suspicion that criminality is afoot (People v. Hollman, 79 N.Y.2d 181 (1992)). Even if an officer were entitled to frisk an individual to ensure himself that the individual was not carrying a weapon, the officer is not entitled to discover everything that the individual was carrying on his person (People v. Liscomb, 179 A.D.2d 1403 (1992)). The purpose of a frisk is to determine whether an individual being investigated at close range is armed and presently dangerous to the officer or others. If a frisk goes beyond what is necessary to determine if the individual is armed, it is no longer valid (Minnesota v. Dickerson, 508 U.S. 366 (1993)). See Board Review 10.

§ 87(2)(g)

[REDACTED]

Allegation F - Force: At § 87(2)(b) in the Bronx, Det. Guy Gargano used physical force against § 87(2)(b)
Allegation G - Force: At § 87(2)(b) in the Bronx, Det. Mack Lipinski used physical force against § 87(2)(b)

§ 87(2)(b) alleged that Det. Gargano attempted to grab his phone and he pushed his hand away. Det. Lipinski allegedly grabbed § 87(2)(b)'s right hand, pulled it behind his back, and twisted it, causing him to release his cell phone. § 87(2)(b) and the officers fell to the ground and § 87(2)(b) sustained scratches to his forehead and left side from the fall. Det. Gargano allegedly held § 87(2)(b)'s head onto the ground with his fist and foot. The officers allegedly punched and

kicked § 87(2)(b) in the back "a couple of times." § 87(2)(b) initially did not know which officers punched and kicked him or how many times he was punched, but then stated that both of them punched him all over his body. The officers handcuffed § 87(2)(b) soon after he fell to the ground and left him on the floor. § 87(2)(b) noted that the officers continued to punch and kick him after he was handcuffed. The officers then allegedly grabbed him from his hands and pulled him ten to fifteen feet towards the van, causing the left side of his body to rub against the ground and resulting in scratches on his back. The officers allegedly lifted § 87(2)(b) off of the ground from his cuffed arms and threw him into the back of the van. § 87(2)(b) noted that his feet were off of the ground and that his body flew through the air. § 87(2)(b) landed on his shoulder and his left side and allegedly sustained bruises to his arm. Over the course of the incident, § 87(2)(b) allegedly received scratches and bruises to his forehead, face, and shoulder. In his CCRB interview, he stated he had a broken wrist, but in his phone statement, he stated that he did not have any broken bones.

§ 87(2)(b) stated that Det. Gargano attempted to grab § 87(2)(b)'s phone, but he refused to give it to him and pulled his hand away. Det. Gargano allegedly attempted to bring § 87(2)(b) to ground by twisting an arm and tripping him. Det. Gargano and Det. Lipinski then allegedly "beat up" § 87(2)(b) who kept hand under body because he did not want to give up his phone. Det. Gargano allegedly placed a knee in § 87(2)(b)'s back, punched him in side, attempted to pull free arm out from under body. Det. Lipinski allegedly applied pressure to § 87(2)(b)'s head against the ground and twisted § 87(2)(b)'s hand upwards. § 87(2)(b) was handcuffed after officers beat him up for three to four minutes. Det. Gargano and Det. Lipinski then allegedly picked § 87(2)(b) up off of the ground, lifted him off of the ground from behind from his waist, and threw him into the van. § 87(2)(b) presented photographs of § 87(2)(b)'s alleged injuries taken after he was released from Bronx Central Booking (Board Review 11). These photographs depict bruises and scratches to § 87(2)(b)'s forehead, neck, and wrist.

§ 87(2)(b) stated that when she turned around while in § 87(2)(b) car, she saw § 87(2)(b) on the floor and observed his forehead bleeding. § 87(2)(b) did not observe anyone push § 87(2)(b) or how § 87(2)(b) fell to the ground, but she saw Det. Lipinski standing next to § 87(2)(b). § 87(2)(b) was still and was not moving or doing anything with his body. § 87(2)(b) observed § 87(2)(b) being handcuffed. She did not observe any officer punch, kick, or use any physical force against § 87(2)(b). One of the officers picked § 87(2)(b) up and placed him in the back of the van. § 87(2)(b) stood on his feet on his own and walked to the van. § 87(2)(b) did not observe any officer lift § 87(2)(b) completely off of the ground.

§ 87(2)(b) stated that the officers picked § 87(2)(b) up by his hands, pants, and neck and threw him to the ground. § 87(2)(b) attempted to lift his head off of the ground and Det. Lipinski allegedly pushed his head back down to the concrete one time. Det. Lipinski allegedly held § 87(2)(b) down by the back of his neck. § 87(2)(b) observed a bump on § 87(2)(b)'s forehead that was bleeding. § 87(2)(b) did not see any officer punch or kick § 87(2)(b). The officers picked up § 87(2)(b) walked him to the back of the van, and allegedly "literally threw him" into the van by lifting him off of the ground and throwing him through the air.

None of the remaining witnesses were present at § 87(2)(b) until after § 87(2)(b) was handcuffed. § 87(2)(b) did not see any officer make any physical contact with § 87(2)(b) at any point and did not see any injuries on § 87(2)(b). § 87(2)(b) stated that she saw Det. Lipinski push § 87(2)(b) to the ground, where he hit his forehead on the

pavement, causing him to bleed. When she first saw § 87(2)(b) he was already handcuffed and bleeding from his face, but § 87(2)(b) could not specify where exactly § 87(2)(b) was bleeding from. § 87(2)(b) did not see any officer make physical contact with § 87(2)(b) and did not observe any officer hold down § 87(2)(b) while he was on the ground. § 87(2)(b) saw the officers grab § 87(2)(b) off of the ground, but did not observe them putting him in the RMP. She did not recall any officer lifting § 87(2)(b)'s feet off of the ground. § 87(2)(b) made no mention of any force being used against § 87(2)(b).

No punches or kicks can be seen in the surveillance footage from § 87(2)(b) (201506417_20151208_0938_DM.mp4 – Board Review 07). § 87(2)(b) can be seen resisting being handcuffed by curling forward and refusing to give his officers his hands. § 87(2)(b) and the officers then fall to the ground, where the struggle to handcuff § 87(2)(b) continues. Det. Lipinski appears to gain control over § 87(2)(b) approximately nine seconds after they fell to the ground. At 19:33:42, the surveillance footage shows Det. Lipinski crouching down and § 87(2)(b) lifting his head up and down. The video is not clear enough to see whether Det. Lipinski pushed § 87(2)(b)'s head down to the ground. § 87(2)(b) walked to the back of the van and was not dragged by any officer. The moment when § 87(2)(b) is placed in the van cannot be seen in the video because the view is obscured by the van's open doors.

§ 87(2)(b)'s medical records from § 87(2)(b) (Privileged Documents 01) made no mention of officers using force against § 87(2)(b) or of § 87(2)(b) having sustained injuries over the course of his arrest.

Det. Gargano stated that § 87(2)(b) began to struggle with him on the corner when he attempted to recover the heroin. § 87(2)(b) “crunched,” preventing Det. Gargano from obtaining the heroin. § 87(2)(b) hunched over, moved and twisted his body, and tightly clenched his fists. Det. Lipinski assisted Det. Gargano in attempting to recover the heroin. Det. Gargano did not recall whether § 87(2)(b) fell to the ground. Det. Gargano did not recall bringing § 87(2)(b) to the ground by twisting his arm and tripping him and did not recall observing Det. Lipinski do so. Det. Gargano did not recall whether he or Det. Lipinski struck § 87(2)(b) with a closed fist, kicked § 87(2)(b), punched § 87(2)(b) in the side, or placed a knee in § 87(2)(b)'s back. Det. Gargano did not recall whether he or Det. Lipinski applied pressure to § 87(2)(b)'s head while he was on the ground. Det. Gargano did not make contact with § 87(2)(b)'s head with his foot and did not observe Det. Lipinski do so. § 87(2)(b) refused to give his hands by keeping them underneath his body while Det. Gargano attempted to recover the heroin (Det. Gargano later stated that he did not recall whether § 87(2)(b) kept his hands between his body and the ground). Det. Gargano did not recall which officer handcuffed § 87(2)(b) or how long it took to handcuff § 87(2)(b). Det. Gargano physically held § 87(2)(b) so he could be handcuffed. Det. Gargano did not recall whether § 87(2)(b) was doing anything with his body after he was handcuffed. Det. Gargano stated that neither he nor Det. Lipinski punched or kicked § 87(2)(b) after he was handcuffed. § 87(2)(b) did not appear to lose consciousness. § 87(2)(b) walked to the prisoner van voluntarily and was placed in the van. Det. Gargano stated that he did not drag § 87(2)(b) to the van or observe Det. Lipinski do so. Neither Det. Gargano nor Det. Lipinski lifted § 87(2)(b) fully off of the ground and threw him into the prisoner van. Det. Gargano did not notice any injuries on § 87(2)(b). § 87(2)(b) § 87(2)(b) complained of an injury, but Det. Gargano did not recall what specific injury he complained of.

Det. Lipinski stated that the officers attempted to place § 87(2)(b) under arrest and he would not comply. A scuffle broke out and the officers attempted to handcuff § 87(2)(b). § 87(2)(b) offered resistance by tensing up, refusing to let the officers bring his hands behind his back, and refusing to bring his own hands behind his back. Det. Lipinski did not know whether § 87(2)(b) swung at the officers, but noted that he may have done so. Det. Lipinski also stated that he was kicked once or twice, but he did not know who kicked him. Det. Lipinski recalled being hit, but he did not know whether it was § 87(2)(b) or Det. Gargano that hit him. Det. Lipinski attempted to get § 87(2)(b)'s arms behind his back, but he did not recall whether he attempted to pull his arms behind his back. § 87(2)(b) and the officers went down to the ground inadvertently. § 87(2)(b) continued to resist while on the ground by refusing to give up his hands. The officers ultimately handcuffed § 87(2)(b) while on the ground. Det. Lipinski did not recall having to use any additional physical force to handcuff § 87(2)(b) aside from pulling his arms behind his back. Det. Lipinski stated that he was focused on attempting to handcuff § 87(2)(b) but he did not know what he did in order to accomplish this. Det. Lipinski stated that he did not punch or kick § 87(2)(b) or observe Det. Gargano do so. Det. Lipinski did not recall putting his knee on § 87(2)(b)'s back while he was on the ground. Det. Lipinski stated that he did not apply pressure to § 87(2)(b)'s head while his head was on the ground and did not observe Det. Gargano do so. § 87(2)(b) did not lose consciousness. Det. Lipinski placed § 87(2)(b) in the prisoner van while Det. Gargano spoke to the civilians in front of the van. § 87(2)(b) may have been "stubborn" while walking to the van, but was walking on his feet. Det. Lipinski did not have to drag him to the van. Det. Lipinski did not lift § 87(2)(b) fully off of the ground or throw him into the back of the van.

Patrol Guide Procedure 203-11 (Board Review 10) authorizes officers to use the minimum amount of physical force necessary to effect an arrest.

§ 87(2)(g)
[REDACTED]

Allegation H - Force: At § 87(2)(b) in the Bronx, Det. Guy Gargano used a chokehold against § 87(2)(b)
Allegation I - Force: At § 87(2)(b) in the Bronx, Det. Guy Gargano restricted § 87(2)(b)'s breathing.
Allegation S - Abuse of Authority: At § 87(2)(b) in the Bronx, Det. Guy Gargano searched the vehicle in which § 87(2)(b) was an occupant.
Allegation T - Force: At an unidentified location in the Bronx, Det. Guy Gargano used physical force against § 87(2)(b)

Allegation V - Force: At an unidentified location in the Bronx, Det. Guy Gargano tightly handcuffed § 87(2)(b)

Allegation W - Force: At an unidentified location in the Bronx, Det. Mack Lipinski used physical force against § 87(2)(b)

§ 87(2)(b) alleged that Det. Gargano wrapped his arm around his neck from behind immediately prior to them falling to the ground, slightly restricting § 87(2)(b)'s breathing for one-tenth to one-half of a second. § 87(2)(b) made no mention of this chokehold and alleged that Det. Gargano reached his body through his driver side window without asking for permission and grabbed all of his paperwork out of glove compartment. § 87(2)(b) did not recall seeing any officer approach § 87(2)(b) vehicle. At an unidentified location, the officers opened the back door of the van and allegedly pulled § 87(2)(b) out of the van by his arms without ordering him out of the van. Det. Gargano allegedly squeezed § 87(2)(b)'s handcuffs tighter and hit the handcuffs with an object once they could not be squeezed any tighter. § 87(2)(b) stated that he screamed at Det. Gargano for him to stop squeezing the handcuffs and Det. Gargano continued to squeeze the handcuffs after § 87(2)(b) told him to stop squeezing. Afterwards, the officers allegedly lifted § 87(2)(b) from his cuffed hands and threw him into the van. § 87(2)(b) landed on his shoulder and sustained a scratch.

§ 87(2)(b) made no mention of § 87(2)(b) being placed in a chokehold or of any officer searching § 87(2)(b) vehicle and did not know whether § 87(2)(b)'s breathing appeared to be restricted. § 87(2)(b) did not observe any officer wrap his arm around § 87(2)(b)'s neck and stated that no officer entered § 87(2)(b) car. None of the remaining witnesses interviewed were present at the scene before § 87(2)(b) was handcuffed. § 87(2)(b) stated that the officers attempted to search § 87(2)(b) vehicle and § 87(2)(b) told them they would need a search warrant to search the trunk. None of the remaining witnesses interviewed mentioned § 87(2)(b) vehicle being searched.

In the surveillance footage from § 87(2)(b), part of the struggle between § 87(2)(b) and Det. Gargano was obscured by a light fixture on the side of the building. Although Det. Gargano can be seen wrapping his right arm around § 87(2)(b)'s body from behind, at no point in the footage can Det. Gargano be seen explicitly wrapping his arm around § 87(2)(b)'s neck. In addition, at no point in the footage can Det. Gargano be seen entering § 87(2)(b) vehicle. Instead, § 87(2)(b) can be seen handing Det. Gargano paperwork from his car while seated in the driver seat.

Det. Gargano did not recall whether he or Det. Lipinski wrapped his arm around § 87(2)(b)'s neck and stated that § 87(2)(b) did not complain that his breathing was restricted. Det. Gargano did not recall whether he or Det. Lipinski reached into § 87(2)(b) vehicle or retrieved any documentation from § 87(2)(b) vehicle. Det. Gargano did not recall whether he had any interaction with or went inside the vehicle. Det. Gargano and Det. Lipinski removed § 87(2)(b) from the van together after moving the van away from the scene of the arrest. § 87(2)(b) exited the van on his own. Det. Gargano stated that he did not remove § 87(2)(b) from the van by pulling his arms and did not observe Det. Lipinski do so. § 87(2)(b) stepped back into the van on his own. § 87(2)(b) did not move his arms or hands and did not attempt to break loose from his handcuffs. Det. Gargano stated that he did not squeeze § 87(2)(b)'s handcuffs tighter. § 87(2)(b) did not ask Det. Gargano to stop squeezing his handcuffs. Det. Gargano stated that he did not squeeze § 87(2)(b)'s handcuffs tighter after he asked him to stop. Neither Det. Gargano nor Det. Lipinski lifted and threw § 87(2)(b) into the van.

Det. Lipinski stated that he did not Det. Gargano wrap his arm around § 87(2)(b)'s neck and did not recall § 87(2)(b) complaining that his breathing was restricted. Det. Lipinski did not recall observing Det. Gargano enter § 87(2)(b) vehicle. Det. Lipinski did not recall whether § 87(2)(b) was removed from the van. Det. Lipinski did not remove § 87(2)(b) from the back of the van and did not observe Det. Gargano do so. Det. Lipinski did not observe Det. Gargano drag § 87(2)(b) out of the back of the van and did not do so himself. § 87(2)(b) voluntarily exited the van. Det. Lipinski did not recall whether § 87(2)(b) complained that his handcuffs were too tight, but noted that "we always hear that." Det. Lipinski stated that he did not observe Det. Gargano squeeze § 87(2)(b)'s handcuffs tighter after he asked for them to be loosened and did not observe Det. Gargano squeeze his handcuffs at all. § 87(2)(b) was compliant in getting back into the van and was not lifted off the ground and thrown back into the van.

§ 87(2)(g)

Allegation Y - Abuse of Authority: At § 87(2)(b) in the Bronx, Det. Guy Gargano did not obtain medical treatment for § 87(2)(b)

Allegation Z - Abuse of Authority: At § 87(2)(b) in the Bronx, Det. Mack Lipinski did not obtain medical treatment for § 87(2)(b)

§ 87(2)(b) alleged that while at § 87(2)(b) a doctor attempted to treat him and Det. Gargano told the doctor that § 87(2)(b) was having a heart attack. The doctor examined § 87(2)(b) who said he had a headache. The doctor asked § 87(2)(b) why he had a headache and § 87(2)(b) told the doctor that the officers beat him up. The officers then told § 87(2)(b) that they were leaving the hospital. § 87(2)(b) was allegedly removed from the hospital without receiving medical treatment.

At 10:15 p.m., Det. Gargano brought § 87(2)(b) to § 87(2)(b). Det. Gargano did not recall the circumstances that led to him bringing § 87(2)(b) to the hospital. Det. Gargano stated that § 87(2)(b) refused treatment at § 87(2)(b) but later stated that he did not recall § 87(2)(b) refusing medical attention once at the hospital.

Det. Lipinski stated that while at the stationhouse, § 87(2)(b) refused medical attention. The officers transported § 87(2)(b) to Bronx Central Booking, where he told the officers that he may become sick because he did not have his heroin. § 87(2)(b) said he was going to try to hold out to see a judge, but he got sick while in central booking. Det. Lipinski and Det. Gargano transported § 87(2)(b) to § 87(2)(b) because he requested methadone treatment. Det. Lipinski believed § 87(2)(b) asked him and Det. Gargano for medical attention, but he did not recall specifically who § 87(2)(b) asked. Det. Lipinski did not believe hospitals give out methadone any longer and did not know what if anything else was given to § 87(2)(b). Det. Lipinski did not know if § 87(2)(b) was treated for anything else at the hospital. Det. Lipinski did not recall what happened with § 87(2)(b) at the hospital. He noted that § 87(2)(b) had to have been seen by a doctor or nurse. The officers did not remove § 87(2)(b) from the hospital before he had the opportunity to receive medical treatment ("We spent half the night there."). Det. Lipinski noted that officers

could remove a prisoner from a hospital without the prisoner being discharged by the hospital if exigent circumstances arose, but he noted that they never did this.

§ 87(2)(b)'s medical records from § 87(2)(b) (Privileged Documents 01) state that § 87(2)(b) complained of a headache and chest pain. On assessment, § 87(2)(b) refused all complaints and stated he felt good and wanted to leave the hospital. § 87(2)(b) had no acute complaints. On reassessment, § 87(2)(b) appeared well and offered no new complaints. § 87(2)(b) was able to tolerate the police officers and was observed walking around the emergency department without assistance. The medical records made no mention of officers using force against § 87(2)(b) or of § 87(2)(b) having sustained injuries over the course of his arrest.

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

Squad: 2

Investigator: _____

Signature _____ Print _____ Date _____

Pod Leader: _____

Title/Signature	Print	Date
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Attorney: _____
 Title/Signature Print Date